

Application No. 10/023,437
Reply to Office Action of June 29, 2007
Amendment Dated August 8, 2007

REMARKS/ARGUMENTS

In the Office Action mailed June 29, 2007, the Examiner entered a final rejection under 35 U.S.C. §112 rejecting claims 92-95 and 104-121 as not enabled. Applicant respectfully traverses this rejection.

In response to Applicant's Amendment/Remarks and Declaration of Dr. Kaltenboeck submitted April 18, 2007, the Examiner asserts a failure to correlate the data presented in the specification and the claimed SEQ ID NOs. Specifically, the Examiner asserts that Figure 5 discloses single gene fragments and designates these fragments 1-14, and it is unclear as to which gene fragments in Figure 5 correspond to which SEQ ID NOs. recited in the claims. The Examiner further states that it is unclear as to how the "CP4" numbers and the SEQ ID NOs. recited in the specification can be designated for two separate SEQ ID NOs.

In response, enclosed herewith is a declaration of Dr. Bernard Kaltenboeck that further clarifies his prior declaration. Specifically, Dr. Kaltenboeck declares that the numbers 1-14 of Figure 5 correlate to CP4#1-14, and cites supporting evidence from the specification and figures to demonstrate this correlation. Moreover, Dr. Kaltenboeck explains that the reason an overlap exists between the CP4 numbers and SEQ ID NOs. is because, for example, SEQ ID NO 7 describes a fragment of a sequence while SEQ ID NO 9 describes a full length sequence. Accordingly, SEQ ID NO 7 is contained within SEQ ID NO 9. The same is true for SEQ ID NOs. 11 and 13.

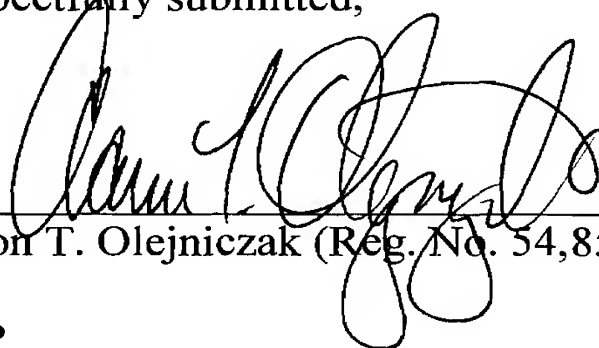
In light of Dr. Kaltenboeck's declaration, it is clear as to which SEQ ID NOs are used to generate the data presented in Figure 5. It is undisputed that the antigens used in the experimental examples correlate to the data presented in Figure 5, and it is undisputed that the antigens recited in the claimed method were used in the experimental examples.

Applicant respectfully asserts that the rejection under 35 U.S.C. §112 for enablement is hereby traversed. Applicant respectfully requests movement of claims 92-95 and 104-121 to allowance.

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The Examiner is invited to contact the undersigned to discussed any of the points raised in Dr. Kaltenboeck's declaration, or the arguments above, or to otherwise facilitate prosecution.

Respectfully submitted,



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